IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUEDAY, THE FIFTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 6959 of 2005

Between:

1 K. Sreekant Reddy, S/o. K. Janardhan Reddy,
R/o. Kanipakam Village, Irala Mandal, Chittoor District.
2 J. Bhaskar Reddy, S/o. Jayarami Reddy,
R/o. Kanipakam Village, Irala Mandal, Chittoor District.
3 Smt. K. Padmavathamma, W/o. K. Sreekant Reddy,
R/o. Kanipakam Village, Irala Mandal, Chittoor District.
4 Smt. K. Padmavathamma, W/o. K. Sreeramulu,
R/o. Kanipakam Village, Irala Mandal, Chittoor District.
5 K. Jayachandra Reddy, S/o. K. Sreeramulu Reddy,
R/o. Kanipakam Village, Irala Mandal, Chittoor District.
6 K. Poornachandra Reddy, S/o. K. Sreeramulu Reddy,
R/o. Kanipakam Village, Irala Mandal, Chittoor District.
7 K. Usha Kumari, W/o. K. Jayachandra Reddy,
R/o. Kanipakam Village, Irala Mandal, Chittoor District.
8 S. Ravichandra Reddy, S/o. K. Sreeramulu Reddy,
R/o. Kanipakam Village, Irala Mandal, Chittoor District.

..... PETITIONER(S)

AND

1 the Revenue Divisional Officer-cum-Land Acquisition - Officer, Chittoor, Chittoor District.
2 the Commissioner, Endowments Department, ' Hyderabad.
3 the Joint Commissioner & Executive Officer, Sri Veerasidhi Vinayakaswamy Devastanam,
Kanipakam Village, Irala Mandal, Chittoor District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to

Issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the 2nd respondent in withdrawing the order passed R.C.No.M2/5639/2005, Dt. 17.3.2005 of the Endowments Department as arbitrary, illegal violative of the Principles of natural justice, influenced by extraneous considerations amounting to colourable exercise of power and violative of the fundamental rights guaranteed under Article 14 of the constitution of India and consequently suspend the un-communicated orders passed on 19.3.2005 by the Commissioner, Endowments Department and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.K.VENUGOPAL REDDY

Counsel for the Respondent No.: GP FOR LAND ACQUISITION

The Court at the stage of admission made the following :

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ORAL ORDER:.

Heard both sides and at their request, this Writ Petition is taken up for disposal at the stage of admission.

The Writ Petition is filed being aggrieved by the order passed by the second respondent whereby he requested the Executive Officer not to pass award till the case is disposed of and also sought for remarks.

It appears that notification under Section 4(1) of the Land Acquisition Act had been issued and urgency clause of Section 17 proceedings were also invoked and at that stage the present proceedings have been initiated, directing the Executive Officer not to proceed further.

The settled principle is that the land acquisition proceedings have to be initiated by the Land Acquisition Officer under the Act, but not the Executive Officer. Unfortunately, the second respondent ignored that aspect and passed the impugned order without any jurisdiction and having realized this mistake, the impugned orders dated 17.3.2005 have been withdrawn vide proceedings dated 19.3.2005. The said proceedings have been made part of the record by the respondents.

Having regard to the fact that the impugned proceedings of the second respondent dated 17.3.2005 were withdrawn vide proceedings dated 19.3.2005, nothing remains for adjudication in this Writ Petition. Accordingly, the Writ Petition is dismissed as infructuous. No costs.

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D.S.R. VARMA, J

DATED: 05.04.2005

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To

1 the Revenue Divisional Officer-cum-Land Acquisition - Officer, Chittoor, Chittoor District.
2 the Commissioner, Endowments Department, ' Hyderabad.
3 the Joint Commissioner & Executive Officer, Sri Veerasidhi Vinayakaswamy Devastanam, Kanipakam Village, Irala Mandal, Chittoor District.

4. Two C Cs to G.P. for Land Acquisition, High Court of A.P. Hyderabad (OUT)

5. Two CD copies.

6. 1 CC to MR.VENUGOPALA RAO